

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases.

Judith E. Levy
United States District Judge

_____ /

This Order Relates To:

ALL CASES

_____ /

AGENDA FOR MARCH 11, 2020 STATUS CONFERENCE

The Court will hold a status conference in these cases on March 11, 2020, at 2:00pm in Ann Arbor, Michigan. The agenda will be as follows, although the Court may adjust the agenda prior to the conference if necessary:

I. *In re* Flint Water Cases, Third Amended Case Management Order

The Court will enter a Third Amended Case Management Order following this conference and will address any outstanding issues as needed. (*See* ECF No. 1073.)

II. Discovery Coordination

The parties should be prepared to update the Court with respect to how discovery is proceeding in other state and federal actions related to the Flint Water Cases. Judge Joseph J. Farah from Genesee County Circuit Court will attend the status conference to assist in this process.

The Court will address Class Plaintiffs' request to discuss the process for obtaining discovery from VNA Defendants' parent company Veolia Environnement S.A. (ECF No. 1075.) Class Plaintiffs should submit a one-page summary of this issue by 5:00pm on **Friday, March 6, 2020**, and any responses must be submitted by 5:00pm on **Tuesday March 10, 2020**.

Additionally, the Court requested briefing on issues raised by parties concerning (1) the implications of Protective Orders filed in Judge Jennifer J. Manley's Genesee County Circuit Court cases involving certain Defendants, and (2) the issue of discovery materials obtained pursuant to investigative subpoenas. (ECF No. 1071.) The Court will hear any oral argument on these issues as needed.

Finally, the following dates are set for telephonic discovery conferences as needed: Friday, March 20, 2020 at 3:00pm and Wednesday April 8, 2020 at 2:00pm.

III. Motions to Dismiss in Individual Cases

The Court will set out a briefing schedule for MDEQ Defendants' motions to dismiss individual Short Form Complaints in the following cases: *Mahan v. Snyder*, Case No. 19-cv-12665 (ECF No. 13); *Davidson v. Snyder*, Case No. 19-cv-12675 (ECF No. 13); *Cole v. Snyder*, Case No. 19-cv-12709 (ECF No. 11); *Langston v. Snyder*, Case No. 19-cv-12878 (ECF No. 11); and *Shields v. Snyder*, Case No. 19-cv-12882 (ECF No. 12.)

IV. Bellwether Selection

During the November 6, 2019 status conference, the Court appointed counsel to develop a proposal for the next round of bellwether selection. (ECF No. 1009, PageID.26121–PageID.26122.) *See also* Second Amended Case Management Order (ECF No. 998, PageID.25956–PageID.25963.) The proposal will be submitted to the Court in advance of the conference, no later than **Monday, March 9, 2020** by 5:00pm. The proposal will be addressed at this status conference.

V. State Court Motions

Judge Farah and the parties will establish a date by which counsel will advise the Court regarding which motions: (1) will require the taking of testimony, (2) will require oral argument, (3) may be decide on briefs.

VI. Report from the Special Master

The Special Master will provide an update on her work since the last status conference.

VII. Scheduling of Next Status Conference

The next status conference will be held on **Wednesday, April 15, 2020** at 2:00pm in Ann Arbor, Michigan. Parties are to file proposed agenda items in Case No. 16-cv-10444 by April 1, 2020. Individual liaison counsel should collect proposed agenda items from all counsel representing individual plaintiffs and submit those proposed items as a single filing. The Court will issue an agenda by April 8, 2020.

IT IS SO ORDERED.

Dated: March 4, 2020
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 4, 2020.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager